

### **REMARKS**

In the Action, claims 1-9, 11-17, 19, 20, 22-25 and 27-29, and claims 10, 18, 21 and 26 are objected to as depending from an allowable base claim but indicated as being allowable if rewritten in independent form. In response, claims 1, 4, 5, 10, 12, 14, 17, 18, 22, 26 and 28 are amended. Claim 8 is cancelled. The pending claims in this application are claims 1-7 and 9-29, with claims 1, 10, 12, 18, 22 and 26 being independent.

Claims 10, 18 and 26 are amended to be in independent form. In view of the indication of allowable subject matter, these claims and the claims depending therefrom are submitted to be in condition for allowance. Independent claims 1, 12 and 22 are amended to recite the relative amounts of the components in the claimed composition and bioactive agent. These claims are supported by the original claims and specification.

Claims 4, 5, 8, 17 and 28 are rejected as being indefinite. In response, these claims are amended to obviate these rejections.

In view of these amendments and the following comments, reconsideration and allowance are requested.

### **The Rejections Over the Cited Art**

Claims 1, 4, 5, 9, 11-13, 15, 17, 20 and 21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2004/0039353 to Koenig et al. Koenig et al. is cited for disclosing compositions containing various plant extracts.

Koenig et al. does not disclose or suggest a composition for inhibiting the growth of oral bacteria comprising coenzyme Q10 as claimed. Since anticipation requires that each component of the claim be found in a single prior reference, Koenig et al. does not anticipate the claims.

Furthermore, Koenig et al. does not disclose or suggest the relative amounts of the components now recited in the claims. Accordingly, the claims are allowable over Koenig et al.

Claims 1-9, 11, 12-17, 19, 20, 22-25 and 27-29 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Published Patent Application No. 2001/0031744 to Kosbab in view of U.S. Published Patent Application No. 2002/0044977 to Close.

Kosbab is cited for disclosing oral composition containing various components such as folic acid, coenzyme Q10 and aloe vera. As noted in the Action, Kosbab does not disclose or suggest the use of an extract of *Centipeda* genus. Close is cited for disclosing an aqueous extract from the *Centipeda* genus for use as a mouthwash.

The present invention is directed to the discovery that a composition containing an extract of *Centipeda* genus, coenzyme Q10, aloe vera and folic acid are particularly effective in inhibiting the growth of oral bacteria. As amended, the claims recite the relative amounts of the components that are effective in inhibiting the growth of oral bacteria. Kosbab does not disclose the claimed amounts of the coenzyme Q10, aloe vera and folic acid. Close also fails to disclose the relative amount of the *Centipeda* genus extract and provides no suggestion of the effectiveness of a composition containing the *Centipeda* genus extract, coenzyme Q10, aloe vera and folic acid. Accordingly, it would not have been obvious to one of ordinary skill in the art to combine the components in the relative amounts as claimed. Accordingly, the claims are submitted to be allowable over the combination of Kosbab and Close.

Claims 1-9, 11-16, 19, 20, 22-25 and 27-29 are rejected as being obvious over Close in view of U.S. Patent No. 6,200,550 to Masterson et al. Masterson et al. is cited for disclosing an oral composition comprising coenzyme Q10, folic acid and Vitamin E. Close is cited for disclosing the use of an extract of *Centipeda* genus, aloe vera, glycerin and Vitamin E.


Close provides no motivation or incentive to one of ordinary skill in the art to combine the extract of the *Centipeda* genus, aloe vera and Vitamin E with coenzyme Q10 and folic acid in the claimed amounts. Furthermore, Masterson et al. does not disclose or suggest the relative amounts of the coenzyme Q10 or aloe vera, and thus, provides no motivation or incentive to combine the components in the claimed amounts with the components disclosed in Close. Accordingly, the claims are not obvious over the combination of Close and Masterson et al.

Claims 1, 4, 5, 8, 9, 11-13, 15, 17, 20, 25 and 27-29 are rejected as being obvious over U.S. Published Patent Application No. 2005/0158252 to Romanowski et al. Romanowski et al. is cited for disclosing the composition for oral hygiene containing various components.

As amended, the claims are directed to a composition and method and recite the relative amounts of the extract of the *Centipeda* genus, coenzyme Q10, aloe vera and folic acid. As noted above, the combination of these components in the claimed amounts are particularly effective in inhibiting the growth of oral bacteria. Romanowski et al. provides no suggestion of the relative amounts of the claimed components in the specifically claimed combination. Accordingly, the claims as amended are not obvious over Romanowski et al.

In view of these amendments and the above comments, reconsideration and allowance are requested.

Respectfully submitted,

  
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